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A Neglected Source for the History of the Commercial Relations between Scotland and the Netherlands during the 16th, 17th and 18th Centuries

IT is well known that during the sixteenth and, in a lesser degree, also during the seventeenth and eighteenth centuries the trade with the Netherlands was the most important part of the commercial relations between Scotland and the European Continent. During the greater part of this period the Scottish trade had its official centre at Veere, and although the monopoly of the staple port was continually infringed by many Scottish merchants, Veere and the neighbouring ports of Middelburg and Vlissingen (Flushing), remained the centre of the intercourse between the two countries.

The Scottish staple at Veere has lately been the subject of two bulky volumes. At almost the same time appeared the thoroughly worked book of Davidson and Gray: *The Scottish Staple at Veere*, and M. P. Rooseboom's *Scottish Staple in the Netherlands*, whose principal merit lies in the great mass of documents printed in the Appendix. Both authors have studied the documents of the State Archives at Middelburg. Unhappily they both left untouched a series of documents containing a valuable source for their work. Neither of them seems to have been aware that the accounts of the 'Waterbaljuw' (Sheriff of the Waters) of the province of Zeeland contained an almost

uninterrupted list of all foreign ships entering one of the ports of Zeeland from 1517 to 1807.

This 'baljuw' collected the so-called 'ankerage-geld' (anchor duty) a recognition due for the use of the harbours. In his accounts of this duty the baljuw had to make a separate entry for every ship entering one of the ports. In this entry is mentioned the name of the ship, the name of its captain, its bulk, the port of departure, and the nature of its cargo.¹ Although these instructions were not always obeyed to the letter, it is clear from the beginning, that these accounts contain very valuable materials for the history of the commercial relations of the Netherlands with other countries. The duty had to be paid by the master of every ship not being 'free.' Although there is nowhere to be found an enumeration of the nations and towns whose inhabitants had acquired this freedom,² and the successive instructions of the waterbaljuw direct this functionary uniformly to conform himself to the 'customary rules,' it may be taken for granted that at least since the beginning of the seventeenth century only the inhabitants of the province of Zeeland and of the other United Provinces³ enjoyed this privilege.

This was the conclusion to which I came during a short stay at Middelburg in the summer of 1918. Afterwards my opinion was endorsed by Dr. Z. W. Sneller, now vice-director of the Royal Commission for the Publication of Historical Documents at the Hague, who⁴ is perhaps the best authority in this matter. At any rate all Scottish vessels since 1581 had to pay the anchor duty. This is made clear by the superscription of the accounts of these years, which state uniformly that the account

¹ E.g. Den XXI. Novembris 1644 is ingekomen Jan de Ridder van Zandwitz met zijn schip geladen met hout en appelen, groot vii lasten . . . 1 Sch. vii gr. vl.

Dito is inghekomen Olivier Danijs van Zandwitz met 't schip de fortuin of London met smeekolen, groot xii lasten, facit . . . 1 Sch. vls.

(7 Maart 1645) is inghekomen Codbert Dunneton komende van London met chip de Spidwell groot vi lasten, facit Sch. vls.

² All I am able to say on this subject is that the 'Easterlings' enjoyed this privilege up to 1477, but in the port of Veere only. The English seem to have been exempt of the payment still longer. In which year they lost it, is not clear, but at any rate they had to pay since 1581, as they are specially mentioned in the instructions of the waterbaljuw issued in that year.

³ Even this last exemption was not always maintained. In a few cases the duty was paid by inhabitants of the province of Holland as well.

⁴ Cf. Sneller: *Walcheren in de 15^e eeuw*, 1917, p. 66.

contains the duty paid by 'English, French, Scottish and other unfree ships.'

Although the terms of this superscription may lead to the assumption that it was the nationality of the ships, *i.e.* of the owners of the vessel, which decided whether the ankerage-geld was due or not, practically only the nationality of the skipper was inquired into. Among the documents, sent in by the waterbaljuw to substantiate his accounts, there are to be found a great many of the original declarations, written and signed by the skippers on their arrival, which declarations served to calculate the amount of the fee, due in each case. As in these declarations only the nationality of the captain is mentioned, it is impossible that any other standard was used to determine whether the ship was free or not. It seems probable however, that the difference practically was not very great. As most skippers in those days held one or more shares in the ship they commanded, the captain was rarely of a nationality different from that of the majority of its owners.

Still a certain number of Scottish ships escaped the payment of the duty. Scottish skippers could be admitted to the freedom of the city of Veere, and so acquired the freedom of the ankerage-geld. There have been years when not a single ship paid this duty at Veere, although many must have arrived at this port.

In 1660, for instance, it is noted in the account that no anchor duty was received in the last named port, 'all the Scottish skippers arriving at Veere declaring themselves citizens of this town.' What were the conditions required to obtain the freedom of this city, whether the line of conduct of its magistrates was always the same, and whether the freedom of Veere exempted the skippers who had acquired it also from payment at Middelburg and Flushing, are things still to be investigated. It seems probable that the magistrates of Veere became more liberal as the custom of frequenting other Dutch ports became stronger.

It must be remembered, furthermore, that the accounts do not mention the Scottish goods carried to Zeeland in Dutch bottoms. According to Rooseboom¹ this had been prohibited by the Privy Council of Scotland in 1617. This resolution cannot, however, have been long in force, or must have been neglected openly. In the account of the conservator of the Staple from 1627² we find an entry: 'resavit for guids comit into sundrie dutch busses L-4/8.' And since 1649 it was certainly allowed, as a

¹Page 156.

²Rooseboom, Appendix, 119.

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resolution (of the Convention of the Burghs?) of that year¹ permitted expressly, to use foreign ships for the exportation of Staple wares, provided security was given that these goods were transported to the Staple Port.

I do not pretend to have answered all questions which may offer themselves to the student, who uses these accounts as a source for the history of commerce. Probably there remains more than one problem to be solved. It might, for instance, prove of interest to establish a careful comparison between the only account still extant of the conservator of the Staple² and the accounts of the waterbaljuw of these years, 1626-27. By comparing the two documents I was surprised to find that, while the entries in both accounts are fairly the same in 1626, there are a great many differences in the following year. Nearly half of the vessels which, according to the conservator, entered one of the three ports of Walcheren, are omitted from the accounts of the waterbaljuw. I cannot explain this.³ But whatever be the result of later investigations, it is clear that the accounts of the waterbaljuw contain vast and valuable material for the student of the history of commerce, and with an eye to the preponderant place that the intercourse with the Netherlands has taken in the commercial history of Scotland; I think I am justified in specially calling the attention of Scottish scholars to this too little known mass of documents.

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¹ *Ibid.* No. 148, 2nd article.

² The above-mentioned document, printed by Rooseboom under No. 119.

³ It is the more surprising as the administration of the waterbaljuw was evidently kept with more care than the conservator bestowed on his.

Bellenden's Translation of the History of Hector Boece

HECTOR BOECE, first Principal of the University of Aberdeen, is remembered as a Latin author, as the writer of a History of Scotland which, however inaccurate, commanded the attention of the scholars of the Renaissance.

It was in vain that Leland, resenting the long line of mythical kings adopted by Boece, declared his lies to be as innumerable as the waves of the sea or the stars of the sky. Much later, Scotsmen, according to Lord Hailes, though reformed from popery, were not reformed from Boece: even Dr. Johnson, while admitting his 'fabulousness and credulity,' applauded the 'elegance and vigour' of his history.

But the work of Boece has a further claim to attention, which has been well expressed by Professor Hume Brown: ¹

'Boece's *History* is memorable for another reason besides its wide currency and its audacious fictions: it gave occasion to the first book in Scottish prose which has come down to us. At the instance of James V., who thus followed the example of other princes of the renaissance, it was translated into Scots (1536) by John Bellenden, archdeacon of Moray, one of the many versifiers who haunted the court. Bellenden proved an admirable translator—his flowing and picturesque style doing full justice to his original, while he added so much in Boece's own manner that he further adapted it to the tastes of the time.'

The claim of this Scottish version of Boece to be 'the first book in Scottish prose which has come down to us' might perhaps be disputed. But assuredly it is the first book of any great literary value or interest: as a monument of noble Scottish prose it has never been surpassed: and it would probably be difficult to exaggerate the influence which both Latin original and Scottish translation have had upon the national feeling of Scotland.

¹ *Cambridge History of English Literature*, iii. 156.

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The *Scotorum Historiæ* of Boece had been printed in Paris in 1526-7; it was some ten years later that the Scottish translation was issued from the press of Thomas Davidson¹ in a magnificent quarto. In the colophon, this work is described as compiled by Boece and lately translated by Bellenden, but at the beginning it is described as :

'compilit *and newly correckit* be the reuerend and noble clerke maister Hector Boece . . . Translatit laityly be maister Johne Bellenden.'

This description is regrettably vague and ambiguous. But if the translation was 'correkit' by the author, it is at least possible that he was responsible for the additions, and he may have corrected the style of his translator. Yet the whole credit of the translation, and of the numerous additions and alterations whereby the translation differs from the Latin original, has always, so far as we know, been given solely to John Bellenden : and this from the earliest times.

Thus, in the latter half of the sixteenth century, William Harrison wrote :

'How excellently, if you consider the arte, Boethius hath penned . . . his Historie in the Latin, the skilful are not ignorant : but how profitably and compendiously John Bellenden, Archdeacon of Murrey, his interpretour, hath turned him from the Latin into the Scottish tongue, there are verie fewe English men that know, bycause we want the bookes.'

We have seen that Dr. Hume Brown believed that the additions found first in the Scottish translation, although 'so much in Boece's own manner' were due, not to the revising pen of Boece, but to the translator.

There is indeed a natural tendency to suppose that a prominent scholar of the early sixteenth century must have scorned the vernacular. 'Major and Boece,' says Mr. Anderson, 'wrote in Latin : being scholars of the sixteenth century, they would not write in any other language.'²

Yet More and Colet, Fisher and Skelton suffice to prove that the vernacular was not necessarily despised by scholars; it is difficult to decide whether the numerous additions and alterations which characterize the Scottish translation should rank as the

¹The book unfortunately bears no date, and is sometimes attributed to as late a year as 1541.

²*Studies in the History of the University of Aberdeen*, 1906, p. 29.

work of the translator, or were made when the translation was 'newly correckit' by Boece himself.

Now when the old printed copy of 1536 was reprinted in 1821-2, the editor, Thomas Maitland (later Lord Dundrennan), called attention to a manuscript of the translation in the library of Auchinleck. This was known to differ in one or two important particulars from the printed copy, but the editor unfortunately had no opportunity of collating it, though some information about it was supplied to him by Sir Alexander Boswell.

The Auchinleck MS. has now passed into the library of University College, London. The following facts about it are significant :

(1) It contains a dedication to James V., dated 'the last day of August the 3eir of God ane thowsand five hundreth and thretty ane 3eris.' The MS. accordingly represents a translation prepared, and presumably issued in manuscript, a good many years before the printed copy 'newly correckit be the reuerend . . . Hector Boece' was issued.

(2) The Auchinleck MS. makes no mention of Boece's correction. Its title runs :

'Heir begynniss the cornikyillis [*sic*] of Scotland, compylit be the reuerend clerk maister Hector Boece, and translait in oure commoun langaige be maister Jhone Ballentyne . . .'

(3) The Auchinleck MS. differs materially from the translation as printed some half dozen years later. Many of the passages which were added to the printed translation are found to be wanting in the Auchinleck MS. The Auchinleck MS. frequently adheres to the Latin text in places where the translation, as printed later, departs from it. A close comparison shows that almost every sentence of the printed translation 'newly correckit be maister Hector Boece' differs from the earlier translation as preserved in the Auchinleck MS. In some instances, too, when the translation in the Auchinleck MS. removes personal references of Boece, these are reinserted in the 'correckit' printed text. For instance :

(a) Boece, in his Latin text, expressed his indebtedness to the University of Paris as well as to that of Aberdeen. The passage was omitted by Bellenden in his translation of 1531, presumably as being merely personal : but it is reinstated in the printed revision :

This nobil vniuersite [of Paris] (that is sa worthy to be louit in euery world) suld be honorit be ws, for thought we studiit sum part in Aberden,

we tuk our first erudition in this foresaid vniuersite of Paris, and thairfore we wyl haif na les reuerence and luf to it, than the barn hes to his natiue moder.¹

(b) In the Latin text Boece mentions how he procured some amber. The passage does not occur in the Auchinleck MS., but in the printed translation it runs :

Als sone as I wes aduertist thairof, I maid sic deligence, that ane part of it wes brocht to me at *Abirdene*. (There is no mention of Aberdeen in the Latin.)

Omissions are made which seem to imply an authority over the translation which only the original author would have assumed. Boece limits the use of the word 'Britain,' 'British' to South Britain, using 'Albion' for the whole island. At the same time he inserts into his History, verbatim, certain passages from Tacitus in which *Britannia* is used with reference to North Britain. This discrepancy worried Bellenden, who inserts the following note into his translation :

Verba translatoris. Becaus the compilar of thir cornykillis makes ane gret difference betwix Albioun and Britane throw all the process of his buke, I haue translatit the wordes in the said orisonis according to that samyn difference, putting for Britonis Albianis, for Britaine Albioun; uther wais the wordes of the saide orisonis myght haue generit gret error to the rederss.²

In the printed translation this note is cancelled, and the reviser deals with the problem as he thinks fit, altering in certain places Bellenden's *Albioun* to *Britane*, *Albianis* to *Britonis*. It is difficult to see why Bellenden should have removed the note he thought it necessary to insert: it is easy to see why Boece may have thought it pedantic and superfluous.

In the Dedication to the King, Bellenden had apologized for his translation, which he had undertaken at the King's command :

And thoth the charge wes importable throw tediuss Laubour and feir of this huge volume, quhilk hes Impeschit my feble engyne, havand na crafty wit nor pregnant eloquence to decore the samyn, zit I am constraint for schort tyme to bring this my translatioun to lycht, nakit of all perfectioun and rethory, as Inplume birdis til flytth; nought the les I lawlie beseik thi magnificence to accept my Laubour with sik beniuolence as thai bene dedicat to thi grace.

This passage is omitted in the printed revision, presumably because such an apology is no longer called for, when the translation has been revised. Bellenden's Dedication to the King is

¹ Book X. cap. 4, end.

² Bk. IV. cap. 21.

removed from its place at the beginning, and put at the end of the printed volume: a liberty towards the translator which is more intelligible if it be the work of the original author.

But it would probably be rash to suppose that all the differences between the Auchinleck MS. and the printed text are due to the correcting pen of Hector Boece himself. The fact that Bellenden's own verse 'Proheme' has undergone correction, suggests that translator as well as author had a share in the revision, and this is supported by certain entries in the Treasurer's accounts:

1531. Oct. 4. To Maister John Ballentyne, be the Kingis precept, for his translating of the Croniclis £30. . . .

1533. July 26. To Meister Johne Ballantyne for ane new Cronikle gevin to the Kingis Grace £12.

Since the epistle dedicatory to the King in the Auchinleck MS. is dated, as we have seen, Aug. 31, 1531, it seems likely that the book was presented to the King between that date and Oct. 4, when Bellenden received his reward: and that in July, 1533, he presented a revised edition: 'ane new Cronikle.' In that case the great bulk of the additions may have been made, not by Boece, but by Bellenden himself between 1531 and 1533. Already, even in the Auchinleck MS., there are long passages inserted which are not in the original Latin, and are therefore presumably the work of Bellenden: chief among these are the animadversions upon the excessive liberality of King David to the clergy, with the saying of King James I. that he was 'ane sore sanct for the croun,'¹ and a very interesting passage about the family of Douglas. Boece had recorded the downfall of this family without any expressions of sympathy: and had stated that they had in some measure brought their misfortunes upon themselves.² Bellenden had been an adherent of the Douglas family: and he bears bold testimony to their merits:

Of this James descendit the illuster surname off Dowglass, quhilk wer ever the sickir targe and weirwall of Scotland aganis Inglismen, and wan never landis in it bot be thair singular manheid and wassalaige. It is said in the Brucis Buke,

Sa mony gud as of the Dowglass hes bene
Of ane surname wes never in Scotland sene.

Nought the less thai increseit sa gret sone efter, that thair hitht and gret

¹ Bk. XII. cap. 16.

² Douglas insignis familia . . . sui sibi exitii nonnulla ex parte in causa fuerit (fol. cccxi).

pussance bayth in manrent and landis wes sa suspect to the kinges quhilkes succedit efter thame, that it was the causse of thair declinatioun. It is said, sen that surname wes put done Scotland did never ane vailzeant deid one England.¹

These additions are, then, presumably the work of Bellenden himself, since they are found in the Auchinleck MS., which makes no allusion to any revision by Boece. But if Bellenden was capable of making them, there is no intrinsic impossibility in his having been partly or even mainly responsible for the numerous additions which we find for the first time in the printed copy as 'newly correckit' by Boece himself. Such additions are the story of the White Hart which attacked David I. while hunting,² and the anecdotes about the nickname and the wounds of Archibald, Earl of Douglas.³

The printed copy differs from the Auchinleck MS. in certain alterations of names or facts. For example, the Sir Hugh Cressingham who fell at Stirling is called *Cassingauiensis* in Boece's Latin, and Cassingham in the Auchinleck MS.: the name appears in the printed revision in the more usual form Cressinghame.⁴ In Boece's Latin, Bruce, after his flight from England, comes to Lochmaben, where he meets *fratrem Dauidem cum Roberto Flemein*. This is followed by Bellenden in the MS. 'Dauid Bruse and Dauid [*sic*] Flemyn.' But in the printed revision it is corrected: Bruce came

to Lochmaben, quhare he met his brothir Edward, quhilk had gret meruel of his haiste cummyng.⁵

This correction is evidently based upon Barbour: ⁶

Cumyn till Louchmaban ar thai.
Hys brodyr Eduuard thar thai fand
That thocht ferly, Ic tak on hand
That thai come hame sa priuely.

Some of the most noteworthy alterations made in the translation relate to Bruce and Wallace. The printed translation differs from both the Latin and the Auchinleck MS. in excusing the early career of Robert Bruce: was not Saint Paul in his youth 'ane gret scourge of crystyn pepyll'? A comparison in parallel columns is instructive:

¹ Bk. XIV. cap. 8.

² Bk. XII. cap. 16.

³ Bk. XVI. cap. 14.

⁴ Bk. XIV. cap. 4.

⁵ Bk. XIV. cap. 7.

⁶ Bk. II. l. 18.

BOETHIUS, 1526.

Tradunt quidam Robertum Brusium cladis huius causam extitisse. Initio enim pugnae, iam ante collocutum cum rege secessionem necessariis suis, qui cum Scotis erant imperitasse: qua re territi reliqui Scoti, videntes se a suis proditos esse, fugae initium fecere, ubi veluti peiora¹ omnes abiectis armis mactandos se iugulandosque praebuere. Sed Robertus Brusius praemium prodicionis ab Eduardo regnum Scotiae postulans (ignorans proditores dum usui esse possunt benigne ab hostibus excipi, verum ubi quod potuere perfecerunt, etiam illis in quorum gratiam ea fecere, execrandos ac detestandos haberi) haud aequum responsum retulit. Nec enim minus Eduardus regnum Scotiae quam ipse Brusius affectabat. Quam ob rem verbo Robertum reiiciens, 'Credis' inquit 'non habere nos quod agamus aliud nisi vobis regna semper subiugemus?'²

¹ Read *pecora*, as in edition of 1575.

² Bk. XIV. cap. 3 (Fol. ccciiii. b).

AUCHINLECK MS. 1531.

It is said that Robert Bruce was the cause of the discomfiture of this last feild at Dumbar; for in the begynnyng of the battell he promittit to king Eduard to cum fra king Balioll with all his freyndes and kynnismen quhilkis wald assist to him; throw quhilk the Scottis war discomfist. For, quhen thai saw thame self betrasit be thair awin marrowis levand thame at sic extreme danger of enemess, thai tynt curaige and wer slane lik miserable creaturis but ony defence. Efter this discomfitour Robert Bruce come to king Eduard desiring the reward of his tressoun, quhilk he belevit suld have bene the realme of Scottis, according to Eduardes promess. Bot he was dissavit, nocht knawing all tratouris (sa lang as thai may proffit) plesandlie tretit with thair enemess, bot quhen thai haue done thair tressoun thai ar haldin nought onelie abhominable to thair freyndis, bot als to thair fayis, in quhais favour thair tressonis war committit, and gettis nought bot repulss of thair desiris. Attour king Eduard had na less desire than the Bruce to conquest the croun, as apperit be his wordis said in this maner: 'Belevis thow that we haue na uthir errandis ado bot to conquest realmes in thi favour?'⁴

⁴ Bk. XIV. cap. 3.

EDINBURGH EDITION, c. 1536.

It was said, be thame that followit the opinion of Balliol, that Robert Bruce solistit al his freindis in the beginnyng of the battall, to leif the Balliol, and was be that way the cause of this discomfitour. Bot thir wordis war fals; and said be the freindis of Balliol allanerly for malyce; to that fine, that the Bruce suld cum in hatrent to the Scottis. Robert Bruce efter this victory past to King Edward, and desirit hym to fulfil the promes, maid be him afore undir his gret aith. Nochtheles, he gat bot ane wycket answer: for King Edward had na les desire to be King of Scotland than the Bruce had. His answer was 'Belevis thow, that we haif na othir besines ado bot to conquest realmes and kingdomes to the?'³

³ Bk. XIV. cap. 3 (Fol. ccv. b, col. 1).

BOETHIUS, 1526.

Robertus Brusius non satis habens Contribules oppugnare armis (Is enim eo die Anglorum partes sequebatur) flagitium perfidiæ adiiciens, circumductis paulum suis a tergo Scotos aggreditur, nihil minus quam tale quippiam expectantes. Fœde igitur ex omni parte trucidabantur: Nec enim quoquam effugium erat.¹

Ad ea, tua (inquit Vallas) perfidia me quo minus patriæ libertatem aduersus tyrannum superbissimum pariter & crudelissimum defendam in æternum terrere non poterit. Abi quo dignus es in malam crucem iterum patriæ desertor ac proditor: inueniet aliquando scelerum tuorum exitum dignum, quando minime credes, deus, nec impune toties patriæ proditor lætaberis. Mihi sane mors pro patria accepta, in qua liberanda nec dies nec noctes vnquam cesso, gratissima ceciderit. Te viuentem furia cruciati vel morte tupissima [*sic*] peiore, dum scelerati tui oculi patriam a te bis proditam intueri poterunt, perpetuo vexabunt. Huiusmodi victoria Anglis fœliciter pugnantibus die Magdalenæ sacra obtigit:

AUCHINLECK MS., 1531.

Robert Bruse (quhilk wes this tyme with the army of England) thinkand nought eneuch to Invoid the Scottis with battell, to eik his Iniuris with more tressoun come one the bakkis of Scottis quhen thai suspeckit na thing less than his Invasioun throw quhilk thai war miserably slane one all sidis.³

To this ansuerit Wallace: ‘O Robert, thi falset and tressonable slyghtis may na wayis effray me to leif the defence of my native cuntre aganis the maist proude tyrane Eduard, enemy therof. Thairfor, maist tressonable dissaver and leuar of thi realme (quhen maist danger occurrit) pass to the gallouss, for thow sall nought fail be pvnitioun of God ane mischevis deid quhen thow belevis leist, for the frequent Iniuries done sa oftymes aganes thi native cuntre, certifeing the that I compt na paine nor displeseir that may efter follow in defence of my cu[n]tre, and sall neuer ceiss fra defence thereof; howbeid maist shamefull torment is ordanit for the, baith deid and quik, for thi manifest tressone done sa

EDINBURGH EDITION, c. 1536.

Robert Bruce wes this tyme with the army of England and myght thairfor mak na support to Scottis. And so thai wer miserable slane on all sydis.⁵

To this answerit Wallace, O Robert thy febyll cowardry and sleuth mouis me to assailze so mony parellus ieoperdyis in defence of thy rycht and delyuering of the realme of Scotland fra tyranny of Inglisment. Thir wourdis war sa deip inprentit in the Brucis hart, that he determinit to abide na langar at the opinion of England. Treuth is that sendill or neur ar the Scottis vincust be Inglisment without sum diuisioun among thaym self. For thought the Scottis at this tyme stude in sic array, that thay war inuincibyl, and culd nocht be brokyn afore, zit Robert Bruce come with ane buschement of Inglisment on thair bakkis. Be quhilk thay war miserably discomfist and slane. This battall was strykyn on the

quamobrem diem eam veluti fatalem
fœlici pugnæ exinde obseruant. Ex
fuga vbi Perthum venisset Vallas . . .
magistratu se abdicauit.²

¹ Fol. ccvii. line 17.

² Fol. ccvii. b, line 44.

oftymes aganis thi realme.' This
battell wes strikin one the Magdalen
day fro our redemptioun jm.ijc.
lxxxviiij zeris, thairfor the Inglismen
nobmerit [*sic*] the samyn ay efter for
ane happy day to fecht aganis Scottis.
Wallace efter this discomfitour come
in Perth.⁴

³ Bk. XIV. cap. 5, 2nd page.

⁴ Bk. XIV. cap. 5.

Magdalen day fra our redemptioun
ane M. ii. C. lxxxviii. zeris. Thair-
fore the Inglismen held it ay efter,
for ane happy day to fecht aganis
Scottis. Forthir thought Robert Bruce
(quhilk wes efter king of Scottis) was
baith at the battall of Dunbar, and
the battall of Falkirk at the opinion
of Ingland aganis the Scottis, na crime
mycht be imput to hym thairfore.
First becaus he had na refuge in Scot-
land. For the Ballioll persewit hym
to the deid, becaus he was contendand
with hym for the crown. Secoundly
he held the lordschip of Cleueland of
the king of Ingland, and was ane
Inglisman born, howbeit he was
nerest air be proximate of blud to the
crowne of Scotland, and be reasoun
thairof behuuit to make hym seruice.
Als kyng Edward promittit to re-
treit the sentence he gair for the Ballioll
and to make the said Robert kyng.
Attoure sanct Paule (as we fynd) was
ane gret scourge of Crystyn pepyll and
persewit thaym with maist cruell
ennymyte. [&c. &c.]⁶

⁵ Fo. ccvii. a, col. 2, line 1.

⁶ Fol. ccvii. b, col. 1, line 11.

A growing tendency towards advanced ideas in religion can be noticed. Following the Latin, the Auchinleck MS. says of S. Gilbert :

mony sindry miraculis ar daylie kythit be him to our dais : his body lysis in Ross haldin amang the peple in gret veneratioun.¹

The later printed translation limits itself to the more cautious statement :

His body lysis in Ros, haldin in gret veneration of pepyll.²

The references to the friars become increasingly hostile. Boethius, in his Latin, had recorded how, at a General Council, the formation of any new order of friars (beyond the recognized four) was forbidden :

ne populo nouæ religionis titulo imponentes, alienis viuant ociosi laboribus.³

The Auchinleck MS. translates this (somewhat unkindly) that

na man suld attempt to begyn ony new gise of sic vane superstitionis, desiring to leif in ydilnes apone the frutis of vther mennis lauboures.

But the printed edition becomes much more violent :

And generall edict maid, that na man suld attempt to begyn ony new gyse of sic vane superstitious pepyll, quihilkis ar set to eschew labouris, that thai may leif in lust and ydilnes apone the frutis of othir mennis handis.⁴

To sum up : Bellenden's Boece is extant in two versions. The first, best represented by the Auchinleck MS., shows the form in which the translation was presented to the King in 1531.

The second version, contained in the printed edition of c. 1536, differs in almost every sentence from this earlier version. It claims to be 'newly correckit' by Boece himself, and some of the corrections seem indisputably to proceed from him. On the other hand, the fact that the verse 'proheme,' avowedly written by Bellenden himself, has also undergone correction, as compared with its earlier draft in the Auchinleck MS., suggests that Bellenden had a hand in the revision of his work : and this is confirmed by the fact that he seems to have been rewarded by the King for the presentation of a revised translation. It may be further noted that the revision of Boece was not so thorough as

¹ Bk. XIII. cap. 15.

² Fol. clxxxix. col. 1.

³ Fol. ccci. b.

⁴ Bk. XIII. cap. 21.

to prevent some gross mistranslations (first found in the Auchinleck MS.) from persisting into the printed edition.¹

Bellenden's Boece is one of the two or three most noteworthy examples of the noble Scottish prose of the sixteenth century, not yet contaminated by the influence of Southern English ; and it is most desirable that a modern edition should be forthcoming, giving the text both in the original and the revised form. The Scottish Text Society has printed an elaborate edition of Bellenden's Livy, though the editor admits that this work 'in point of general interest falls far short' of the Boece.

Both versions of Bellenden's Boece should be made as accessible as, thanks to Dr. Craigie and the Scottish Text Society, Bellenden's Livy now is.

R. W. CHAMBERS.

WALTER W. SETON.

¹ Compare for example Latin text fol. cccvii. with Book XV. cap. 5, of the Scotch version, where the statement that Wallace deserted John Stewart is a mistranslation.

The Orkney Townships

I.

THE earliest extant Rentals of Orkney (1492 and 1502-03) show all the lands throughout the isles arranged first into parishes, and then, under each parish heading, divided into certain named parcels. Thus under 'Parochia de Deirnes' one finds 'Sanday iii d terre... Holland iii d and iii farding terre... Brabustare ane uris terre,' etc.; each followed by a detailed statement of its duties, and, if there was any land *pro rege*, of the rents. These divisions—Sanday, Holland, etc.—were the 'towns' or 'townships,' once divided from one another and from the commonalty by dykes—high ramparts of turf—and still known as distinct districts to-day. Within the dykes were all the houses, all the arable lands, and most of the meadows; saving only certain outlying lands called 'quoys,' cultivated at a later date—though many of them were old enough at the time of the first rentals.

The houses in each town varied in number and the lands varied greatly in extent; the extent of the lands being indicated originally by the number of pennylands in the town. In the instance quoted above we get a 3 pennyland, a $3\frac{3}{4}$ pennyland (this odd number is accounted for by part of the town being bishopric and kirkland, and so not entered in the king's rental), and an urisland, or 18 pennyland. But long before 1492 the pennylands had come to vary very much in value and the merkland was the true test; so that one finds pennylands with only $\frac{2}{3}$ of a merk in them and others with 8 or 12 merks. These, however, were extremes, and the rough general rule in the seventeenth century was supposed to be four merks to a pennyland in the Mainland and South Isles and one merk per pennyland in the North Isles.

More or less corresponding divisions of the land are found everywhere, and the word 'villa,' *i.e.* town or township, was a kind of standard term; but an exact analogy to the Orkney

townships I have been unable to discover. Indeed, they may fairly be said to be the most characteristic and (together with the winds) the most permanent feature of the islands. Yet though they persist as distinct entities and retain certain traditions, the last sixty or eighty years have wrought devastating changes within their dykes. In some cases all traces of the past have been swept away by their conversion into a single large modernised farm; in all, the multitude of old terms and old customs have been mostly forgotten.

Fortunately, however, a great many records survive in the shape of 'perambulations,' 'divisions,' and 'plankings,' dating as a rule from the seventeenth century; though both the sixteenth and the eighteenth are represented. Most of these were found scattered through myriads of odd bundles of papers in the Sheriff Court House at Kirkwall, and in this paper where no footnote reference is given the document quoted always came from that collection. Various private collections yielded treasure trove also, and here and there through charters and sasines odd bits of information cropped up. It has thus been possible to piece together a fairly complete picture of the old Orkney towns. One or two points still remain obscure, yet the general principles emerge from the accumulation of evidence pretty distinctly.

The first differentiation of township lands to be noted is the distinction indicated in the very earliest of these documents, a division of the town of Thurrigair in South Ronaldsay on October 17th, 1508.¹ The point to be settled was 'the decerning and devyding of *inskyftis*, *touneland*, and *owtchistis* pertening to the fyff d. land of the Trinite Stuk and ane d. land pertening to the said David and his aris' (the whole town being a 6d. land). The inquest examined and testified to 'ilk penny land *inskyft* and *towmal* be itself' of the 5d. land, and then found that the '*thowmalis* and *inskyft* of the pennyland pertening to the said David and his aris beginnys and extendis...' (boundaries are given). They ordained that David and his heirs were 'to bruk his *towmalis*, as weil with outpastor as with inpastour, extendand to the hille, within the dyk and without the dyk.'

Of these terms, *owtchistis* is never met again, but it may perhaps refer to this inpasture and outpasture extending to the hill. 'Inskyft,' however, is actually defined (by implication, at least) in a couple of contemporary dooms of court. In one of these, dempt in 1519, occurs this passage: 'be ressoun that the nyne

¹ R.E.O., (*Records of the Earldom of Orkney*), No. xxxvii. A.

penny land of Saba and fredome thairof lyis within ane *ainisskopft* within it selff, and nather the nichtbouris of Thoepe nor na utheris lyis in curig (*sic*) nor rendall, girse pairt nor wair pairt, nor ony other pairting of fredomes within ony parsoneis bot onlie within thameseluis, etc.’¹ And in a dome of 1509, giving an earlier decision to precisely the same effect concerning the same lands, an abbreviated version of this passage runs: ‘be resone that the ix penne land of Saba lyis in ane *inskeyft* within hyttself in lentt and breyd,’ etc.² Whether ‘curig’ be simply an error for runrig or not, there is no doubt anyhow about the standard Scottish term ‘rendall’ for runrig land, and we see that an inskyft was a parcel of land not lying in runrig with other lands but belonging solely to one owner.

There are various other references to inskyfts, none of them contradictory to this and at least two of them confirming it. In an undated complaint by Alexander Louttit in Mirbister against his nephew James Louttit (evidently soon after 1600),³ Alexander states ‘that quair the said James hes his *enskiftis* lyand within the town of Mirbister occupied be him and the ane half of the dyks biget and posed and uphaldin be me, and thereby the said James aucht and schould big and uphald the ane half of the dykis of Browllskethe quhilk is my *enskiftis*, as weil as I uphald the dykis of his *enskiftis*,’ etc. Here again we have the inskiftis as personal and individual parts of the township, very much larger than mere rigs. The difficulty as to the upkeep of the dykes evidently implies that each man was responsible for a certain considerable stretch, which would occasionally include a neighbour’s inskift.

Another instance occurs in a letter of 1st September, 1677, from James Louttit of Mirbister, bailie of Harray, to Arthur Baikie of Tankerness, Steward Depute of Orkney, from which it appears that a certain John Hervie was ‘troubling’ three of Baikie’s tenants in the town of Grimeston, ‘and promises to enter in their *inskiift* land, quhilk belongis to y^{or}self, George Ritchie, and Breknes, and pairtlie to themselfis, and thinkis to bost them with that law borrowis, quhilk he hes for veritie (*i.e.* has taken out as a matter of fact) to get possessione in that land and grass, he haveing his awin *inskiiftis* be himself.’ In this case it will be noted that the inskift consisted of a mixture of arable land and grass, and further evidence that this was usually the case is to be seen in a sasine of land in Mirbister, 5th September,

¹ R.E.O. No. xli., where it is printed ‘amisskopft.’

² *Ibid.* No. xxxvii.

³ Skaill Charters.

1643,¹ where the purchaser gets '9 riggs or spelds called Quoynabrenda' in satisfaction of all that he wanted of the grass of his *inskiftis*.

Some years ago, before all this evidence had been collected, the late Prof. Jakobsen suggested to the writer *engja-skipti*, a division of meadow land, as the probable origin of *inskift*; but this clearly cannot be the case, and it would seem in all likelihood to be derived from *einskipti*, a single or sole division (though this actual combination of *ein* and *skipti* is not in the Icelandic dictionary).

Coming to 'towmalls' and 'townland,' a very interesting perambulation of the town of Paplay in South Ronaldsay in 1677 throws light on this question.² Paplay was a 9d. land, and the inquest began by dealing with the towmalls of each of the nine pennylands in turn. Here are a few examples:

(Number one pennyland.) 'The peney land *towmell* or *hill back* of Lalle, hawing the *uppa* or beginning of the towne, we left heall (whole) as formerlie, belonging to Hellin Stewart, Captone Peither Winsister her husband for his entres, and Allexander Stewart of Masseter.'

(Number two.) 'The peney land of Birstone we have devydit in twa, the one halff, being the *uppa* or easter *back* of the said peney land, to Johne Birstone and his perteners, and the wester halff peney land *back* to James Kynnard of Burwick.'

(Number six.) 'The nixt peney land thereto called Straittie *towmell*, devydit also in twa to Archibald Stewart of Burray, Alex^r Flait of Grwtha, and their perteners.'

(Number seven.) 'The peney land of Hootoft devydit in mener efter specifit; fyw (five) rigis from the easting to Allex^r Fflait of Grwtha for the *towmell* or *hill balk* of ane farding there pertening to him. The uther twa fardings thereof pertening to Hellin Stewart and her husband for his intres and Allex^r Stewart forsaid and ane farding to James Kynnard of Burwick, which three fardings *towmell* or *hill balk* is to contene in rig rendell for this yer as formerlie, allowing the said Hellin Stewart and Allex^r Stewart forsaid, the *uppa* and *ulla* for their halff peney land or twa farding thereof, and the said James Kynnard the *midla* or midmost rig for his ane farding *towmell* thereof.'

After dealing with all the nine separate pennylands in this fashion the deed runs: 'Wee went lykways on the *townesland*, and we found the peney land of Laley to have the first rig of the towne, and the second rige to the peneyland of Birstone, and swa

¹ Reg. Sasines, vol. 6, fol. 271.

² Hedde of Cletts Charters.

fwrth to ewerie heritor conform to their proportione in ewerie each peneyland.'

A vast deal of curious information is buried in this deed. Unearthing it, we find in the first place a clear distinction between the *towmall*s or lands set apart to the proprietors of the various pennylands, and the *townlands* which went rig about to all the pennylands. We find one towmall had previously been in rig rendall and was to continue so for the rest of that year, but evidently, by implication, was then to be divided into solid slices among the proprietors. What is very extraordinary and quite peculiar to this town, we also find that the hill backs or balks, usually strips of waste ground or rough pasture above the arable, were identical with the towmall; the towmall elsewhere being even to this day remembered, and in some cases pointed out, as small fields close to the houses in the best parts of the arable land (the word is always pronounced 'tumult' to-day). As will be seen later, many houses were built on hill backs—though not the chief houses, but here we get all the houses perched up at the top of the town, and as a matter of fact there they still stand to-day, the name of each of the old pennylands being borne by a farm.¹

The 'uppa' will be met with frequently again, and in the meantime it need only be noted that it was associated with the idea of the *beginning* (in geographical order) of the town and that the first rig of the rendall lands accompanied it. At the other end was the 'ulla' (often found in the form 'nulla,' 'nullay,' or 'nurley'), and 'midla' meant the middle when there were three. With larger numbers, however, one only finds the 'uppa' and 'ulla' applied to the first and last rigs, those between being simply called 'second,' 'third,' etc.

Another South Ronaldsay deed, still further illustrating several of the same points, is the division of the 3d. land of Uray (a semi-township forming part of some larger town—probably Holland), made on 23rd March, 1642. The inquest 'devydit the haille south town in thrie thirds, quhair of the ane penny land called Flaws has the *uppa*, Hollandis pennyland has the midrig, and the pennyland called Coulls has the *nulay*. And ordains all within the saids merchis as they rin to be devydit also in thrie thirds be coulter and sock (*i.e.*, by plough), alsweill *tounland* as *towmale land*, being maid all *tounland*.' This means that the whole town was thrown into the melting pot, the towmale land

¹ With one or two exceptions, where other names appear instead of the penny land names. There is just one farm, however, for each of the penny lands.

being made for this purpose into townland or rendall land. No doubt fresh towmall would then be laid out for the various houses. As will appear from other instances, this re-rendalling of the whole town seemed to be the standard cure for all ills.

From these instances there can be no doubt what the townland was, namely, all the land lying in rig rendall or runrig and shared by the whole town.¹ In contradistinction, the towmall were the portions set apart for the exclusive use of the respective houses to which they were attached. A common error that has crept into more than one work in which they are referred to, is that they consisted of grass only. This is amply disproved by one set of facts alone :—the rents of various towmall in the 1502-3 and 1595 Rentals, which were invariably to be paid either in malt or bear, are conclusive evidence that they were arable land. And various other references to the rigs of which towmall were composed confirm this. We have seen one instance in Paplay, but a still more conclusive bit of evidence is afforded by an inquest on the laws of Swartaquoy in Holm, 20th February, 1678. The inquest found 'the said John Voy to be wronged and prejudged be the said Nicoll Talzeor in the *towmall* underneath the said Nicoll his hous in the third part of two riges, quhilks two riges are at the neather end 30 foot in breadth and at the upper end 33 foot, quhilk the said seven men has esteemed and valued, and esteems and values the growth thereof to be zeirlic *communibus annis* worth ane settin of malt.' It may be added that the reason why John Voy had a share of the towmall beneath Nicol Taylor's house evidently was that the land concerned was a certain halfpenny land within the town of Swartaquoy which would appear to have formed a farm divided between these two men.

Turning back to the division of Thurrigair in 1508, it will be remembered that the towmall and inskift of one specific pennyland had their boundaries defined, while the townland, one now knows, went in runrig with the other pennylands. The question arises; was the inskift composed of the towmall, or was it a slice of non-runrig land apart from the towmall? There seems to be no evidence to answer this question definitely,

¹ Since this paper was written, a deed has come into possession of the author (through the courtesy of Mr. J. W. Cursiter) illustrating particularly clearly various of the points dealt with. It is a perambulation of North Wideford in St. Ola parish, 23rd February, 1686. The phrase 'townland or rendall land' occurs several times, in specific distinction to the towmall lands.

but it will be seen later that though all the townland was rendall land in theory, it was held to some extent in 'planks' or whole fields for the sake of obvious convenience, and it is possible that the term *inskift* referred to these. In fact one or two references point distinctly to this being the likelier solution and suggest that it was used pretty loosely and generally of any parcel of land (larger than a rig) not shared with other heritors in the town.

Such parts of the town and such rights connected with it as were the exclusive property of one proprietor are constantly referred to as his 'freedoms,' in exactly the same sense in which 'liberties' was once used. His towmall or towmall is one instance, and another continually met with is his 'house freedoms,' a term which evidently covered all the ground necessary for his house, farm buildings, and corn, kaill and stack yards. A division of the town of Corrigall in Harray on 15th April, 1601,¹ between James, Robert, and John Corrigall refers to an earlier decree of 1572, 'decerning James and Robert Corigilles to have thair entres and house fredomes on the wast syed off thair houssis, with barne or corneyaird, and siclyik ordening John Corrigill to have his entres and house-fredomes on the eist syed of his hous,' an arrangement apparently implying a group of buildings (a mansion or large manor farm divided up among the family) with 'freedoms' stretching on both sides. And there are various other instances of the same sort of thing.

The most curiously minute and detailed case is the decree in favour of James Beaton of Pow of his 'right to the twelfth part of the saids housses and biggings of Clouk (in the town of Inner Stromness) quich twelfth aggries with his interest of land, being ane halfe penney land there.' The date of the decree is 18th February, 1679, and the deed quoted in it, and now ratified, is a division of the houses of Clouk between Marion and William Beaton dated 1566, the consequence being that James Beaton's 'twelfth part' was in a sadly delapidated condition after the lapse of a hundred and thirteen years, and, indeed, had partially vanished. What his predecessors had set apart to them is thus described:—'The innermost part of the fyre house and two sellars (rooms) nixt thereto, quich wes possed be umquhile William Beaton, father to the said James fiftie yeires since, and of the quhilks two sellars there is ane alltogether and the other almost ruinous; and that umquhile William Beaton father to the said James hade his kaill yaird pertening to his halfe

¹ R. E. O. No. lxxx.

penney land in the northmost pairte of the corneyaird of Clouk now quere the steith (steeth or foundations) of the dyck thereof is yet extant ; and nixt thereto westward stood the said umquhile William Beatton his barne, killne and stables which is since taken down and turned into ane kaill yaird ; and that the said umquhile William Beatton his byre wes on the west syde of the new chamber of Clouk which is now made in ane long barne ; and that the said umquhile William Beatton his cornes of the said halfe penney land stood in the corne yaird of Clouk, but the saids witnesses could not condescend on any particular place.' So that all the heir of the said umquhile William Beatton seems to have recovered of his patrimony was the ruins of one room, the steeth of his kaill yaird dyke, and a few general directions where to look for the sites of the rest. Nevertheless, he had recovered his 'house freedoms' and was no doubt as happy as a successful litigant deserves to be.

No term is more constantly used in connection with these old township lands than 'hill back' or 'hill balk.' Its general meaning as a strip of waste ground or hill pasture outside the arable and good meadow land has already been referred to, and with the exception of Paplay where they were identical with the towmall, the hill backs are found in all recorded cases as such outside strips.¹ The fullest and most minute account we have of them is contained in a perambulation of the town of Clouston in Stenness on the last day of February, 1681. First, the inquest took the declaration of the heritors 'anent the mairches of the uppa balk, beginning at the entrie of the little burne at the loch within the picka dyke, and up throw Quoy Anna following the old balk to the turne of the picka dyke at the grip or little burne of the Fidges, containing nyne faddomes to each two fardings balk.' With the same particularity the course of the balks is traced right round the town and back to the loch shore at the other end of it, three of the farms being mentioned as points at which balks began or ended. Clouston was a six pennyland and one finds six balks or long strips of heather or rough pasture stretched end to end round three sides of the township (the fourth side being the loch shore where the best old arable land still lies), filling the space between the uppermost houses and the 'picka dyke.' Each of these six long balks was divided into two sections (*i.e.*, by a cross division), and each section was then

¹ Another similar exception has since turned up in the case of North Wideford. (See foot-note p. 21.)

split into a series of small balks given to the various farms in rotation.

Nothing is more striking in the large assortment of deeds dealing with township divisions than the variety of these divisions in all matters of detail. The broad distinction between rendall lands, meadows, towmall, and (except in Paplay) hill balks is common to all, but one can never take a detailed account of what happened in one town as applicable in all points to all towns. For instance, the principle of laying one balk to each pennyland was acted on in each of the very few cases in which we have an exact record of how balks were apportioned, but there is no proof that this was followed by the subdividing that took place in Clouston. It is certainly not mentioned in the records.

Sometimes backs or balks were cultivated and became outlying parts of the town arable lands, for the crop of a certain balk in the town of Onston in Stenness is mentioned in a bailie court decree of 1576,¹ and one may pretty confidently assume that this had been the history of the 'towmall or hill balks' in Paplay. No doubt they were simply cultivated balks.

Closely connected with the question of balks is that of the 'out freedoms.' The best record connected with them is contained in the perambulation of the town of Kirbister in Orphir in 1694. That part of the verdict begins :—'After considering of the *out freedoms* of the said Toun upon the north east side of the said burne of Kirbister, they (the inquest) all sitting at the said merchston, fynd that Breiknes haveing the *uppa* of the rendall and laboured land ought first to be payed of the out freedom, which out freedom begins at the loch called the Loch of Groundwater, and so east and southeastward till he be satisfied and payed of the fourth part upon the north east side of the said burn.' The next heritor began where Graham of Breckness stopped, and all had been 'payed' by the time the mouth of the burn was reached ; whereupon they began with a fresh succession of out freedoms for the rest of the way round the town, till they reached the Loch of Groundwater again. There were six such sections in all, each divided among the various proprietors.

The resemblance to the procedure in Clouston is at once apparent, and as no hill balks are mentioned in the whole perambulation of Kirbister, it would look as though the out freedoms stood in their stead. They are termed, however, in one place the 'out-dycks,' whereas in Clouston the balks were certainly

¹ R. E. O. No. lxiv.

within the dykes, and though Kirbister was only a 3d land, there were six sections of out freedom. It would seem as though towns differed as to the proximity of their dykes to the arable, some having no balk space left; and in this connection it is perhaps significant that Kirbister had the exceptionally high number of 8 merklands to the pennyland, and it rather looks as though this result had been attained by cultivating every acre out to the dykes.

It is in connection with township dykes that we come upon the most mysterious of all these old forgotten terms—the ‘Auld Bow.’ At first sight Bow seemed manifestly to be the same word as Bu or, in old deeds, Bull, the chief farm or mansion of a township, and the Auld Bow simply to be this manor farm as it had once existed. In fact, in the record of an action concerning land in the town of Ireland in Stenness, 18 March 1617,¹ we find both the Auld Bow and the Bow of Ireland mentioned, the former meaning apparently the whole arable lands of the town, and the latter certainly meaning the lands of the ancient ‘Head House’ (now the Hall of Ireland) within it; but the actual word ‘Bow’ being to all seeming the same word in each case. Even then it seemed difficult to understand how in the case of a town containing one of the best preserved old Bus in Orkney, the term Auld Bow should be used in a somewhat different sense, but the mystery began to thicken fast as the phrase kept cropping up in other records.

Here are a few examples of its usage. In a charter of lands in Quholme in Stromness, 19 January 1584/85,² mention is made of a house ‘biggit upoun the kingis baik outwith (outside) the *auld bow*’; the sense clearly being outside the township arable lands. A precept of 2 Sept. 1607,³ to the bailie of Harray directs him to possess Alexander Louttit in his proper part of the balks of Mirbister, ‘conform to the rendall rigs outwith the *auld bow*’; and here, if the phrase be taken to mean what it seems to mean, the auld bow was a most circumscribed area, not even including the rendall lands of the town. In a perambulation of Clouston in December 1666, the arable lands are first reviewed, and then the inquest deals with ‘the backs without the *old bow*’; but in an earlier part of the record among the ‘sheads’ or fields of arable land enumerated (all of them within this area), we find ‘the 6 rigs lyand within the *old bow*,’ so that in the same deed

¹ Sheriff Court Book, Orkney and Zetland, 1612-1630.

² R.E.O., No. clxxxviii.

³ Nisthouse charters.

we apparently have the phrase employed in both these senses—the whole arable land and a circumscribed area. In a paper headed ‘Information for Williame Sinclair of Saba, contra Johne Craigie,’ undated, but evidently in the first half of the seventeenth century, comes a passage that throws an entirely new light on the question. Craigie had been accused of illegally extending his dykes, and ‘there was ane inquest led for tryell quhair the *steith of the auld bow* stood last.’ Here we have the auld bow identified as a dyke of some sort, and in two more records we again find it unmistakably as a dyke. In a division of certain meadows that lay between the towns of Burness and Whatquoy in Firth, 30 Nov. 1714, it is stated that these meadows were ‘interjected within an *old bow* betwixt the said lands of Burness and Whatquoy.’ And again in the planking of Inner Stromness in 1765,¹ mention is made of the kirkyard ‘*bow*,’ evidently the dyke round the kirkyard; and also the ‘*bow dyke*’ is referred to in another part of the township.

In every case where an ‘auld bow’ is mentioned, a dyke would fill the bill, and if one assumes a dyke round the old arable lands of the town, *within* the hill dyke or ‘picka dyke,’ and in some cases another round the old Head House or Bu and its ‘freedoms,’ all the difficulties would be met. And it may be added, in support of this suggestion, that the old *outside* dyke of Kirbister (to which, in this particular case, the town arable lands apparently stretched), is called to-day the ‘bu dyke.’ But whether the actual word ‘bow’ is simply ‘bu’ or ‘bull’ in a transferred sense, or whether it was originally another word altogether, seems a question for etymological experts.

A very complete and detailed account of the methods and principles involved in the division of a township among the heritors is given in the Bishopric Court Book of Orkney, under date 9 January 1624. The town was the large district of Inner Stromness, which contained no fewer than 36 pennylands or two whole Urislands, and the method, briefly summarised, was this. First it was ordained ‘that everie uddaller, tenant, or occupier of the lands of Inner Stomness posses his hous fredome within the bow according to his landis, conforme to use or wount.’ Then they ordained ‘sex towmales, ane for ilk sex penny land merchit,’ and the boundaries and exact positions of the six towmall are laid down, all of them near certain named houses, so that one could identify the towmall pretty exactly to-day. All but one

¹ Papers of Mr. J. A. S. Brown.

half towmall lay in the heart of the town among the best old arable lands.

Then all the 'sheads' or fields in the town were taken in geographical order from east to west, and were generally divided into six, one-sixth to each sixpenny land, or sometimes into three for the three sixpenny lands of one of the Urislands. In the latter case the other Urisland would get the next shead all to itself. Among the sheads occurred a large meadow which was 'devydid in twa to the twa Urislandis to go about yeirlic.' Under each shead it was stated where the uppa was to begin, and in all but one or two exceptional cases it began at the east. The hill balks and out freedoms were not dealt with on this occasion.

Another record that gives valuable information about the apportioning and constitution of towmall is the perambulation of Graves in Holm on 14 January 1631.¹ In this case only the 'girsland (grassland), towmales, and houses of the 3d land of Gravis' were dealt with—not the rendall land. Each 6 farthing land had its towmall and grass apportioned, and the first 6 farthing lands share is thus defined: 'that haille plank of girsland quhair-upon the haille houses of Eister Gravis stands, with the samin haille houses, togidder with aught riggis of labourit land nixt adjacent to the said plank, betuix the rendall land and the auld bow on the southeast and northwest, and the landis of Brecon on the southwest and northeast, togidder also with the labourit towmale and houses thair of in Wester Gravis, with the girs belanging thairto' (the marches of this last being likewise given). It will be noted from the boundaries specified that the 'auld bow' must have been either the grass plank with the houses of Easter Graves on it, or a dyke bounding this.

II.

The main framework of these old townships is now apparent, and we come next to the working arrangements of the land. Taking first the grasslands or meadows, one fact has already been noted in Inner Stromness, and from several other references it would appear to have been a general custom; and that is the feature of meadows going year about among the proprietors and tenants of the town. On the other hand, we have seen grass included in inskifts and going with towmall, and in these cases

¹ Graemeshall charters.

it presumably did not go year about, unless two proprietors shared a farm.¹

A deed that throws a certain amount of light on the holding of meadows is a decision with regard to Ninian Meason's share of the rendall and grass lands in the same town of Graves in Holm, on December 5, 1605. It was printed in the *Records of the Earldom of Orkney*, and puzzled the editor considerably, but he now perceives the drift of it. Meason, owning 3 farthing land in the 3d land of Graves proper (which, together with Breckan, made up the 4½d. of Graves, as entered in the Rentals), got a fourth part of the rendall land. Two out of the three penny lands had had their grass 'drawin off' by the occupiers previously, and he got his fourth of this. The grass of the third pennyland, however, required some looking for, and a special inquest was convened to find it and give him his share. Thus we see that the various pennylands might or might not have their share of the meadows specially earmarked, and that according to a man's proportion of the whole town, he got a proportion of the grass of each pennyland.

Of the arable land, by far the greater proportion was, as has already been seen, in run rig among the various heritors. Did this imply in Orkney, as it did in some places, that the rigs changed hands every year? This question, I think, can be answered decisively. The rigs never changed hands, except perhaps when the whole town was re-rendalled, and then probably only to a very small extent. Of the many small pieces of evidence all to the same effect, another complaint by the ever-complaining Alexander Louttit in Misbister (undated, but soon after 1600)² gives very specific proof. He says he has a piece of land lying in run rig with the lands of James Velzian, and for five years past Velzian has complained that the march stones were over far in upon his lands, 'albeit my grandshir, guidshir, and father hes bene in peaceable possession these many years bygane of the said run rigs.' The run rigs were 'found,' and the march stones set by an inquest of twelve men. Whereupon the complaint meanders into James Velzian's subsequent misdeeds. Here we have evidence of march stones dividing the rigs, and of certain

¹ A very clear distinction is made in the North Wideford perambulation between 'common grass friedomes' attached to 'ilk pennyland,' and the 'meadows of the hail town.' These last 'goe about yeirlic . . . according to the vulgar country terme called meadow skift.'

² Nisthouse Charters.

rigs having been in one family's possession down to the fourth generation ; and similar proof of division by march stones and of each man's owning and continuing to own the self-same rigs for periods of years is to be found in several other deeds ; while no suggestion of interchange is ever met with.

At the root of the old run rig system was the idea of fairness, the giving to each portioner of the township an equitable mixture of good and bad land, but this was assuredly its only virtue. Anything more inconvenient, more destructive of all possibility of agricultural development, and more productive of quarrels and litigation the wit of man has probably never evolved. Its disadvantages, indeed, were so obvious that even in those conservative days a common-sense solution—or rather a partial solution—had been discovered. Though theoretically all in run rig, the town lands were actually held, to some extent, in 'planks' or compact parcels. One has no evidence on the point that can enable one to judge what proportion of the town was usually held in planks, but there are various references to the custom. Thus the division of Uray, already noticed, was the result of an action against certain persons for intruding on 'sundry rigs, planks, and hill balks.' Again, an entry in the Circuit Court records of South Ronaldsay for 1683 deals with a charge against a man for 'leading and takeing away corns to his own barne yaird and uther mens, under silence of night contrair to the custome and lawes of this country, his corns lyeing rigg in rendall with uther mens and not planked.'

A curious instance of the theory of run rig accompanied by the practice of planking is to be seen in the perambulations of Clouston in 1666 and on 17th January, 1680. In the first a heritor, Thomas Omand, who had recently acquired land amounting to one-ninth of the town, was given the ninth rig of every nine rigs in every single shead in the town ; which implies inevitably that every field was held run rig among all the proprietors. Yet in the second case, further disputes having arisen, a certain whole shead was adjudged to be the joint property of two other men, portioners of another farm ; though this very field was one of those named in 1666. Evidently Thomas Omand got a *theoretical* collection of ninth rigs and then adjusted matters with his neighbours on more common sense lines.

Yet one passage in the verdict of the perambulation of Kirbister shows that the run rig principle was constantly at work, in the

guise of an angel of justice, undoing all efforts to lift agriculture out of the rut. 'Because of the great enormities that they have found quhilk formerly has been committed within the said toun' the inquest ordain 'that the haill arable lands of the toun, as wel lands which were formerly rendalled as outbreck and planked lands should of new be rendalled, and that ilk shead of the said land should have an uppa, and that the samen shall begin at the east; or as near thereto as they can.' Thus back went the hands of the clock every time an inquest descended upon an unfortunate township.

But though this was the law and the prophets, some of these old township records show curious exceptional features. In Clouston, for instance, the 1666 perambulation gives a list of fifty sheads, each with its name—Tursland, Lindego, Keldebreck, Skeda, and the rest, almost all forgotten to-day; but of the sheads that lay under the old 'Head House' (which were remembered some years ago and fortunately preserved) not a single one is included. Evidently one has here an 'inskift' inviolate through some old right or custom, and certain other facts confirm this. There is no record of how it came about, but in other townships a feature has already appeared several times, which, one would think, might readily bring about some such result. And this is the differentiation of the various pennylands that made up the town.

We have seen it in Paplay, in Thurrigair, and in Uray. Another case is Mirbister in Harray, where in a sasine of 1643, already quoted, the seller's title is founded on a disposition by the one time owner of a pennyland in Nether Mirbister, and the land sold included a half merk udall land of the said pennyland, which was more particularly specified as the 'third rig of every aucht rig of the said pennyland.' In other words, it included no part of the other two pennylands making up the town. And again in the planking of the town of Netherbrough in Harray in 1787 the oversman 'compared the pennylands as they stood planked.'

But the two most striking cases hail from South Ronaldsay—the division of two pennylands in the town of Hoxa, 14th March, 1645, and the division of one pennyland in Lythes, 4th January, 1669. In neither case did the pennylands in question form the whole of the township, but started by being known divisions of land within it; and then the inquest set to work in as business-like a fashion as any modern land surveyor. In Hoxa they began by dividing 'the hill balkis of the forésaid 2d. land in halferis, laying fyve scoir nine shaftis to ilk pennyland, the lenth of ilk

shaft being seven futtis of ane futt in measure and four inches mair.' This gave them the width of each pennyland along the top end. Then they proceeded to divide the north pennyland 'equallie in halferis conforme to the goodness of the land,' setting up march stones from the 'moss and loch' (which lie in the middle of Hoxa) to the hill. And finally they divided one of these halves into four parts by boundary lines running likewise from the moss and loch to the hill.

In Lythes they cut the one pennyland up into four farthing lands, each precisely measured. The 'southmost and eastmost' farthing land, for instance, consisted 'at the neather end of 12 shoftlongs (*sic*) in breidth, each shoftlong containing seven foots in length, and runs forward to the hill called Sunmyre, and consists of 14 shoftlongs of the lyk length in breidth anent the midla thereof or thereby, and lykwayis consists of 14 shoftlongs of the said length within the neather end of the quoy and of 16 shoftlongs at the over end of the quoy' (*i.e.* the farthing land took in part of a quoy at its upper end). The next two farthings were of exactly the same dimensions, and the fourth was a little wider when it reached the quoy. Finally, march stones were set up at each of the 'said four places in breidth, betwixt ilk farding land of the said penny land.'

Two conclusions seem to emerge pretty clearly from all these cases. One is that though this differentiation of the penny lands, and even of the farthing lands, was not allowed to interfere with the cherished principle of run-rigism, they certainly modified it, as, for instance, in the Mirbister case where one pennyland was run rig, but only within itself, and obviously formed a separate parcel from the others. And in this connection may be mentioned a wadset of 19th June, 1596, by John Voy of 3 farthing lands 'lying contigue and together' in the town of Easter Voy.¹ The second conclusion is that, contrary to an opinion one has seen expressed,² the pennylands must have included everything—grass lands, arable, and balks right up the hill.

Coming down to the smallest denominations of land within the township, we find the 'sheads' and 'rigs' incessantly referred to in all manner of documents. The shead (pronounced to-day 'sheed,' but often spelt in the old deeds 'shade') was simply the old field, as is specifically indicated by the phrase 'shead or field' occurring several times in the planking of Inner Stromness, and,

¹ Skaill Charters.

² 'What is a Pennyland?' *Proc. Soc. of Ant. Scot.* April, 1884.

indeed, it is still remembered by a few in this sense. In the absence of any system of drainage, one would naturally suppose that the sheads must have been an irregular and untrimmed assembly, the land being cultivated where it was dry and left alone where it was boggy. Yet when one goes through a large number of these township records, it becomes increasingly clear that (so long, at least, as there were several portioners in a town) the fields must have been symmetrical in shape and presented a more or less 'squared' appearance, for nothing was more jealously insisted on than uniformity among the rigs comprising the shead, both in length and breadth. But even so, I was certainly not prepared for a very surprising fact disclosed by the report of the planking of Netherbrough in Harray, issued 3rd Sept., 1787. In this report is given not only the number of arable planks allotted to each heritor, but the names of the sheads in which these planks lay. Sometimes these sheads would be divided between two or more proprietors, though generally they went entire to one, but, whether divided or not, the vast majority of the sheads consisted exactly of one single plank; a plank as used in these Orkney plankings at that time consisting of 40 fathoms square = 1600 square fathoms = $1\frac{1}{3}$ English acres approximately (though there is one mention of an earlier unofficial planking where the planks were 50 fathoms square). Two or three sheads consisted of 2 planks, a few of a plank and a fraction; $\frac{7}{12}$, $1\frac{5}{16}$, and 1 plank 67 fathoms being the most irregular.

The heritors of Netherbrough were a thorny proposition, one of them—Magnus Flett of Furso—being a particularly combantant gentleman, who considered he was unjustly deprived of certain four rigs, and swore 'By his God he was going to grip them again!' so that no fewer than three plankings took place before the dust of conflict settled. Under these circumstances the long-suffering plankers were driven to the most meticulous accuracy, and it may be safely taken that this coincidence of sheads and planks was no mere approximate estimate, especially as we do find a few odd fractions. There seems, therefore, to be no getting away from the conclusion that instead of being irregular patches, these old sheads were, with some exceptions, cut to a precise measure.

As a plank was evidently of whatever size one chose to make it, it appears to follow that 40 fathoms square was chosen because that was the size of the Orkney fields. In all the official plankings this was the size. And there are one or two other bits of evidence

confirming this measure as the usual area of a field. In the report of an action concerning land in Redland in Firth (26th July, 1770) one witness testified that 'the shead of the Irons was among the best sheads or planks in the town.' In the case of Clouston 50 sheads were named, all but two or three being certainly arable, and some are known to have been omitted; and, going by a planking of 1766, about ten planks may be allowed for these last. The total arable area was 60 planks odd in 1766, which leaves roughly 50 planks for nearly 50 sheads, an estimate which is certainly not very far out, and affords a further bit of confirmation. It may be mentioned, by the way, that in Netherbrough the total arable area was 66 planks odd and the number of sheads 64.

In the town of Inner Stromness the sheads were of considerably larger size, as is proved by a few cases mentioned in the planking of 1765, but that this was the exception and the other the rule seems clearly indicated not only by the three cases mentioned, but by an observation made by the minister of Evie and Rendall, under date 1797, in the old *Statistical Account*. He says that even after the plankings of the old run rig lands, farmers were apt to hold their farms in scattered patches of ground 'of a plank each'—evidently scattered sheads or fields, since there could be no other reason for giving them scattered patches of exactly a plank each.¹

Another interesting fact is that these Netherbrough sheads were very often evidently divisions of a larger shead, or anyhow of a larger area all going under one name. Thus one gets West Gullow, East Gullow, Chin of Gullow, Gate of Gullow, and Crown of Gullow (or Crawn a Gullow in another place); Muglafurs, Mid Muglafurs, Nether Muglafurs, and Over Muglafurs; and many other such instances. These were not divisions simply for the purpose of this planking, since we find one man more than once getting two such sheads. Thus Furso (he who gripped the rigs) got both the plank of East Tufta and the plank of West Tufta, so that there would have been no point in dividing Tufta under these circumstances. Evidently these large fields had been carefully split up into sheads of a plank each at some unknown date previously.

This rigidly exact and symmetrical method of laying out the fields is at first sight very surprising and seems to argue a

¹ The North Wideford perambulation (23rd February, 1686) gives proof at an earlier date of the general identity of sheads and planks, for the phrase 'shed or plank' is twice used.

systematic method of agriculture much at variance with the impressions of it one gets from its critics in the old *Statistical Account* and other works of the period, who condemn it in no measured terms. When one comes to think of it, however, the fact is—with little question—that this precision had no agricultural basis at all, but was simply necessary to work the run rig system. For whether the various proprietors held their share of the town actually in run rig or in the form of ‘planks’ (*i.e.*, any kind of compact area), the apportioning of their interests would have been well nigh impossible otherwise. How, for instance, could one have extracted one pennyland, one farthing, $\frac{1}{6}$ farthing, and $\frac{1}{24}$ farthing (which was one of the actual heritor’s shares) from the 6d. land of Hoxa had the fields been all shapes and sizes, as well as of varying qualities of soil?

The final constituent of the town was the oft-mentioned rig. One also frequently meets with ‘spelds,’ but the phrase ‘rigs or spelds,’ already noted, shows that this was either merely another name for rigs, or (perhaps more likely) it described some species of rig. The rig was, and still is, a long and narrow strip of arable, but as both length and breadth varied, it is manifestly impossible to suggest even an average area. Shirreff in his *Agriculture of the Orkney Islands* (p. 65), published in 1814, says, ‘Ridges (rigs) are of various breadths, often irregular. Perhaps the most proper breadth, for the generality of Orkney soils, may be eighteen feet.’ This is a very vague and cautious statement and no length is even indicated, but one may take it that 18 feet wide represented something like the Orkney average. As for length, ‘long rigs’ or ‘short rigs’ are so often mentioned that this dimension obviously varied very considerably. Of actual recorded measurements I know only two; one, the two rigs in Swartaquoy already cited, which were 30 feet broad at the lower end and 33 feet at the upper, but whether each was that width or the two together, there is nothing in the context to show. Probably both together was meant. In the other case full measurements are given of a rig of land ‘called the sched of the sound’ (presumably ‘in the sched’ has been omitted in error before ‘called’), lying beneath the house of Toft Inges in St. Margaret’s Hope, bought by Alexander Sutherland, 13th August, 1623.¹ It lay rig and rendall with Magnus Cromarty’s land there and measured ‘sixteen scoir futtis and ten’ in length, $32\frac{1}{2}$ feet

¹ Heddle of Cletts charters.

in breadth at the over part of the rig, $25\frac{1}{2}$ feet 'in the midis of the rig,' and $17\frac{1}{2}$ feet at the nether end. So that a rig had considerable individuality.

Under these circumstances there was naturally a good deal of variety in the number of rigs that went to make up a shead or plank. This is demonstrated in the case of Clouston, where the number of rigs in every shead is given. Taking the numbers in the first twelve sheads by way of a sample, we find 9, 17, 9, 10, 12, 9, 18, 9, 10, 6, 9, 18. A great variety in the size of the rigs is manifest, and, no doubt, the main difference between them was in their length, some of the fields being presumably more or less square and others long and narrow.

Before leaving this part of the subject, one more of these old township records may be cited as throwing a strong light on the question of whether cultivation tended to increase or decrease in Orkney during the centuries preceding the plankings of the seventeen sixties which sounded the death knell of the run rig system. This record is dated 3rd March, 1707, and is headed 'Ane nott off the Queens ley landes in the town of Skeatown (in Deerness), in quhat sheads and skifts it lyes,' the queen being Queen Anne and her lands the 'pro rege' or old earldom estates. Thirty-one sheads are included, and in them a total of 198 rigs and spelds can be counted, besides a certain number illegible owing to the state of the paper, probably twenty or thirty more. This was a considerable amount of land to have gone out of cultivation all through the town, and there is no reason why it should have been peculiar to Skeatown. Taking this in conjunction with the Reports of the Parishes in 1627, in which from parish after parish comes the same tale of land having gone ley, and with the earliest rental, that of 1492, where a very high proportion of land is described as ley, I think there can be no doubt that a considerable shrinkage in the old cultivated lands took place. To some extent this would be made up for by breaking out new ground, but the outbreaks play a very small part in these township records and seem unlikely to have made up much of the leeway.

III.

All the evidence goes to show that in the great majority of the townships the names and the sites of the houses of to-day are pretty nearly as they were in the seventeenth century (earlier than that there are no sufficient records by which one can judge).

The earliest available maps date from the first half of the nineteenth century, but before then there are a number of Compt Books and Rentals and many individual allusions to houses in charters and other deeds, and also several lists of inhabitants, or sometimes householders, in the various towns of certain parishes. And then too, good oral tradition can give much valuable information; so that there is no doubt on this point. Naturally the number varied considerably according to the size of the town, but one would be giving a fair enough impression of an average township if one described it as having anything from three to six or seven farms in it, besides two or three cots.

Such a group of farms we can now picture ringed in by its dyke (with, it seems likely, a 'bow dyke' somewhere within that), a towmall beside each house, patches of arable cut into little sheads, generally of a plank in area, interspersed with patches of meadow; the balks—sometimes barren, sometimes grassy, and occasionally cultivated—stretching up to the outer dyke with the long slopes of the heather hills beyond, and on the other side of the town generally water, salt or fresh. Each 'house' itself we can see as a group of buildings; in the case of a 'head house' or 'manor place' a group of some dimensions, such as the 'principal and head house of Foubister,' described as 'the hall, sellaris, chambers, berns, byres, stabiles, under and aboue, with the yaird, taill, and pertinents thereof.'¹

But what was the early history of these towns? How long had they been like this, and how did they come by all these characteristics.

To a very considerable extent these questions can be answered by the houses themselves.

In the first place, their position is to be noted, and over and again we find significant evidence of certain houses having been built on hill balks. The curious case of Paplay where *all* the houses occupied this position has been remarked; but this is quite exceptional. It has also been mentioned that a certain house in Quholme was 'biggit' on a balk, and that several houses in Clouston were given as points where balks began or ended. Among other cases actually recorded in documents may be mentioned a disposition of land in Hourston in Sandwick together with a quarter of the 'baik of land whereon the houses of Uphouse are biggit' (2nd December, 1630),² also a disposition of land in Hensbister in Holm, by William Kettill (8th

¹ Reg. Sasines, 27th July, 1648.

² Reg. Sasines.

November, 1615),¹ with this addendum, 'and siklyck the said William giffis and dispones to the said Robert alsmeikle ground about the town of Hensbister appertening to the half pennie land about the said town as will big ane hous and yaird thereon'; and, again, a similar disposition (February, 1626),² of a farthing land in Paplay in South Ronaldsay, 'with a balk for bigging houses on.'

The original houses would, of course, be in the best land and generally near the shore, and there the chief farms are actually found. Houses built up on the balks would naturally be later additions, and in the last two cases quoted we find balks bought in the seventeenth century for the express purpose of building new houses; the reason, no doubt, being that the good land—especially as it became divided into smaller portions—was too valuable to be used as building sites. Thus if one is studying any particular township one can eliminate houses known to have been erected on balks as not being part of the original town.

The next point to be noted is the names of the farms, which give the clue to the story of a great many Orkney townships. This clue was first suggested by noticing that in certain towns several of the houses—in some cases all—bore such names as Midhouse, Nisthouse, Overbigging, and the like; while in others there was no trace of this type of place-name. For instance, apart from one or two obviously outskirt houses or cots, there are only three farms in the $4\frac{1}{2}$ d. land of Grimbister in Firth—Overbigging, Midbigging, and Netherbigging; in the 3d land of Linklater in Sandwick, only three—Nether Linklater, Over Linklater, and West Linklater; and in the 3d land of Mirbister in Harray, only three—Nisthouse, Midhouse, and Northbigging. Knowing the effect of the old odal laws in cutting up land among the heirs, there can be only one rational explanation of such names. A single large manor farm or 'bu,' embracing the whole township, has been divided into three among the sons of the family. And, in confirmation, one knows that the whole town of Linklater was actually once the property of the Linklaters, and the town of Grimbister, of the Grimbisters.

This, as I have said, is the only rational explanation of such groups of names on *a priori* ground, for if one tries to think out any other reasons the difficulties become apparent—especially in view of the fact that the majority of townships, taking the isles all over, are without them. And the fact that almost all

¹ Graemeshall charters.

² Heddle of Cletts Charters.

the chief native landed families originally owned and took their name from a township of this type is a clinching argument. But, furthermore, in one early record we can actually see the process happening. The town of Sabay in St. Andrews parish, was acquired by Cristie Irving and Edane Paplay, his wife, about 1460, and this couple had two sons. The heiress of their eldest son married William Flett, and in 1522 the estate was divided between him and the heirs of John Irving, the younger son, when William Flett was found to be the eldest heir and to have first choice, 'and gyf (if) the said Williame chesis the Over Houss, the foirsaid aris till pay to the said Williame thre poundis of vsuall money of Scotland; and gyf he chesis the Nedder Houss, the airis till byde still intill thame ay and quhill the said Williame ontred thame the sum of twel poundis.'¹ Thus the mansion of Cristie had already become two houses, the Over and the Nether.

It may be added that in this particular case the township became reunited in the hands of a later William Irving, and remained for a couple of centuries the seat of first one, and then another of the larger landed families, so that the two houses soon became one again, and all trace of a second has long disappeared.

We thus find at the outset two distinct types of township, one in which these 'house' and 'bigging' names are found, with the implication that they were once single large farms, and the other without this feature.

Apart from their association with the larger odal families, towns of the first type have one or two other distinctive characteristics. For one thing one finds, as a rule, little earldom and bishopric land in them at the period of the earliest rentals, evidently because the wealthier families owning them retained their land more tenaciously. Also when parcels of land in them were sold in the seventeenth century (when we first get full record of sales in Orkney), these parcels are almost always described as 'in Grim-bister,' 'in Mirbister,' etc., and not 'under' any particular house or in any particular farm. On the other hand, in the other type one finds rather oftener than not the house or farm specified. For example, in Netherbrough and Above-the-Dykes in Grimeston, the particular house is practically always mentioned.

The three instances given of this first type were selected because they were very clear and obvious cases, and a number more as obvious could be mentioned, but a good many have complicating

¹ R.E.O. No. xlii.

features, and in order to test the whole question I made sketch maps of almost all the townships in the Mainland, South Ronaldsay and Rowsay, working from old maps where they existed, and otherwise from the six-inch Ordnance Survey sheets, and checking the houses from the various sources of information mentioned above. One thus got plenty of material for making comparisons and realising the possibilities in apparently exceptional and puzzling cases.

Before going further, a brief general glance at these 'house' and 'bigging' names may be useful. 'Bigging' means in Orkney a group of buildings; probably it originally implied in most cases that the houses and farmsteads for more than one family stood close together in a group. A bigging was thus usually a large farm, though this was by no means always the case, for the joint owners or tenants might both have been in a very small way. It implied no contradistinction to 'house,' for one finds a farm in Knarston in Harray first called Nisthouse, and afterwards Nistaben (a contraction for bigging), and one in Clouston styled first Newhouse, and then Newbigging; and, in fact, a dual homestead was frequently styled merely 'house.' Most of the prefixes, such as Mid, Over, Upper, Nether, Est (East), explain themselves. Nist was pure Norse, and meant Nether; one actually finds Nistahow in Gorsness in Rendall appearing on an old record as Nythershaw. Near or Neir is the Norse *nȳr*=new, and we find Nearhouse and Newhouse used interchangeably for the same farm in Sands in Deerness. Upper often took the form of Appi or Ap, as in Upperhouse in Hourston, which is found under the one form just as often as the other. In many cases, very likely in all if early enough evidence were available, the houses with these names stood at one time within a short distance of one another—in some cases practically adjoining. In course of time, however, they always came to be rebuilt further apart, and it is only where old maps exist, or early sites are remembered, that one discovers their ancient proximity.

A recognition of the significance of these various names led to one interesting little discovery. In the town of Germiston in Stenness there is both a Nisthouse and a Nistaben, besides an Eastaben and an Aphouse. As Nisthouse and Nistaben mean the same thing, the logical conclusion seemed to be that two towns must here be rolled into one, and the presence of a burn running through the midst, with one of these two farms on either side, gave some colour to this theory. Shortly afterwards, in going

through a collection of old township maps in the Kirkwall Record Room, there appeared first a separate map of 'Germiston, Be-north the Burn,' and then one of 'Germiston, Be-south the Burn.' Which shows that one can occasionally be logical and yet right.

The fact that both these old bus, each found in this divided condition, have always gone under the common name of Germiston, suggests strongly that even they were originally one, but that this division of the town into two occurred at a considerably earlier period than that at which the Nisthouse, Aphouse etc. names appeared. And another clear example of the same thing has a further argument which suggests the same conclusion. This is the town of Overbrough in Harray, where one finds in 1835 a Nisthouse and an Upperbigging, evident 'opposite numbers,' and then at the very highest part of the town an Overhouse and two farms called Upper Town. Clearly Overhouse was the highest house of the Upper Town (which it actually is geographically) and Upperbigging and Nisthouse formed the Nether Town. Furthermore, one finds in 1649 a Thomas Taylor, as grandson of Magnus Taylor of Nisthouse, selling the 'Head House of Overbrough,' *i.e.* of the Nether Town¹; while the family of Brough, who took their name from Overbrough, sold, 15th Oct., 1617, land beside St. Michael's Kirk, *i.e.* in the Upper Town. The connection of the family of Brough with only one of the two old bus adds point to the idea that the bus were separated at an early date.

We come now to a very common species of township belonging to this first type; towns in which we find the house and bigging names predominant, but also with other houses which are not mere obvious cots on the hill. Thus a sketch map of the 6d. land of Redland in Firth as it used to be, accompanying a very instructive paper on that township by Mr. J. Firth which appeared in the *Old Lore Miscellany*, shows a Nistaben, an Estaben, two 'houses of Redland'—North and South (no doubt the 'Head House of Redland' sold by James Flett, eldest heir of the Fletts of Redland in 1634,² and afterwards divided into two houses), four cots, and two other farms called Langalour and Badyateum. What were these two farms; original components of the town, or houses built on slices of the Head House lands, cut off and sold? And the same question can be asked about a number of other townships.

¹ Reg. Sasines, 1649.

² Reg. Sasines, Vol. iv. fol. 126.

Generally speaking, it may be said that the towns which were quite certainly single bus (all the names being of the house or bigging kind) run from a 3d to a 4½d land, and that, apart from a few of the old earls' bus in the North Isles, the largest odal bus known are the 9d lands of the Hall of Ireland and of Sabay. Sabay, however, had one or two smaller places of some sort in it at one time; while the 9d land of Rendall, containing the Hall of Rendall, the old seat of one of the most conspicuous of the native odal families—the Rendalls, turns out from the record of an action in 1768, to have been composed of a 6d land called the North Town, containing the Hall and the other chief house, the Breck, and of a smaller South Town.

In one such township it has been possible to trace fully the histories of all the houses, and a brief account of what happened there provides some instructive facts. This town is the 6d. land of Clouston in Stenness, where I have been able to trace all the land to its various owners at the beginning of the seventeenth century, and there happen to be also an unusual number of perambulations and plankings preserved. From the middle of the seventeenth century onwards it contained Netherbigging, also styled 'the House of Clouston,' and both from its name and its position (quite by itself on the best old land on the loch shore), manifestly the old head house, besides seven other houses. These included an Appihouse, which on the surface seemed surely to signify the other half of a divided bu. All these seven, though small farms, were (with perhaps one diminutive exception) more than mere cots.

Then in the list of sheads appeared a lost Overbigging, also in the good old land a little above Netherbigging. And then, one after the other, all the other houses, with one single exception, were found to be certainly built either on the hill balks or on the edge of them (no doubt in all cases actually on balks), Appihouse as well as the rest. The lands that lay under them were found to be bought for the most part from various Cloustons, chiefly daughters, and at the time of their purchase were 'possessed and occupied' (*i.e.* farmed) by men who certainly did not live in those houses. They were thus all new farms and new houses in the early part of the seventeenth century. Some of the land forming them was probably part of Netherbigging, and most of the rest may safely be taken to be the lands of the vanished Overbigging. Netherbigging, the old House of Clouston, alone remained in the male line of the family.

The one exception which stood not on the balks but in the middle of the town, a little above the two 'biggings,' was called Barnhouse, and the history of this farm is revealed in a disposition of 10th May 1654, where the owner gave to his son 'the kill berne and berne house.'¹ A kiln barn was an extra barn attached to some at least of the larger farms, which always stood a little distance above the homestead. One thus gets the township reconstructed as a large bu with its manor house, subsequently divided into a nether and an over bigging, and a kiln barn standing above. This, it may be added, is all on charter evidence, the only deduction being the very obvious one that a great part of the land must have come out of the vanished Overbigging.

Applying what we know from this case to townships where such detailed evidence is lacking, the chances seem to be that the odd farms in a place, for instance, like Redland would have the same origin as cuts so to speak, from the joint of the bu. The history of this particular Appihouse is also instructive (especially remembering the Appihouse in Hourston also built on a balk) as showing that a single specimen of a house or bigging name found in a town—as one occasionally does find one, may not in the least have the usual significance.

Another point is that the most diminutive of these farms (probably a cot) was styled Blackha' or Blackhall. The ha' or hall names are very common in Orkney, given in a derisive or jocular spirit. Gowdenha applied to a peculiarly miserable cot, Wrangleha to an ex-alehouse where quarrels were frequent, Tarryha to a small wooden house covered with tar, are actual instances, and this type of ha' must not be confounded with the true halls or head houses. It is also to be noted that the house 'biggit upoun the Kingis baik' in Quhome was even then (1584/85) styled the Hall of Quhome, evidently because it was the residence of Mr. Jerome Tulloch, the most considerable magnate in the district—an exceptional and deceptive case.

Turning now to the other type of township, where no such house or bigging names are found, there is pretty plain evidence in a certain number of cases that the reverse conclusion applies to them and that they were formed not by the division of a single large bu but by a grouping together of several farms.

In a few instances this is obvious simply from their size. Districts such as Inner and Outer Stromness, North Side and South Side and Marwick in Birsay are too large to have ever been the

¹ Reg. Sasines.

lands of one house. And, in fact, the 1622 division of Inner Stromness already cited was conducted on principles that in themselves suggest quite another sort of township from the house and bigging kind.

Then there are other cases which are actually treated as collections of separate farms in the earlier rentals. In 1595 the $4\frac{1}{2}$ d. land of Beaquoy in Birsay is entered as 'Beaquoy, Housbie, and Cloke,' and these three are still the chief farms; Beaquoy from which the whole town took its name, lying right at the one end. In the same rental the 6d. land of Tingwall in Rendall is given under separate headings, the farms of Tingwall and Howaquoy being entered as a $4\frac{1}{2}$ d. land, and Crook and Banks as $1\frac{1}{2}$ d. The case of Graves in Holm composed of Graves and Breckan has already been noticed, and several similar towns are found in the two earliest rentals, such as Midland in Rendall, entered as Garsent and Mydland, and Garth in Harray, entered as Garth and Mydgarth. In all these instances it will be seen that the name of one of the farms has been given to the group forming the town, but that that farm has not been split up to make the town.

Other composite townships are found without any name-farm. Thus in all the rentals from 1492 onwards Swanbister and Midland in Orphir are entered not as a whole but farm by farm, and Kirbister in Deerness is given under several component parts in 1595; there being no farm or house with those names in any of them. As showing the complete independence of the various parts of Swanbister, we even find that their pennylands held varying numbers of merklands.

Those are all clear cases, but in certain other townships, such as Netherborough in Harray and Scabra in Sandwick, the regularity with which parcels of land in them are described as 'in Bea,' 'under the hous of Tofts,' etc., and very seldom simply 'in Netherborough' or 'in Scabra,' points very strongly to the same conclusion.

With regard to the multitude of towns of this type where there is little evidence available so far, one can but continue to look for it, and meanwhile judge tentatively in the light of the known cases, which certainly make it look as though the majority, anyhow, of such townships had been groups of farms at a time when the first type of town had been single bus.

Returning for a moment to the single bu type of township, one general feature is very noticeable, and that is that they are by

no means found all over the islands, but are almost confined to certain parts of the mainland, especially Harray, Stenness, and Firth. As almost all the larger native odal families took their surnames from them, naturally these families are found where the towns are, but what is decidedly interesting is that this seems to argue that this had been the distribution of the chief odal families for a very long period.

Another interesting thing is that 'house' and 'bigging' place-names of this kind are scarcely found in Norway at all. The Norwegian law was that head bus went to the eldest son and were not divided. The Orkney law presumably started by being the same, but when we first get records to test it we find that it permitted division, though only among sons. The time at which this change took place (a date to which we have no clue) would seem not at all unlikely to be the period at which the large odal bus were divided and these place-names arose in Orkney.

When this division came about, and instead of one house, two or three arose, it was evidently the eldest son's lot which came to be styled the Head House, Manor House, or simply the House of the township (and presumably he would choose the original mansion house). In regard to several head houses, certainly, there is evidence to this effect. Thus in 1580 William Sinclair, eldest son of the deceased Magnus Sinclair of Stank, sold 'the housses and bigingis with toftis, croftis, and barne yaird liand adjacent with the said houss of Stank, with the rycht and roith broukit be me efter father, guidschir and grandschir, that is to say the heid house callit Stank, with all maner of houses thairto belangand respective.' The purchaser also got the right to redeem any land belonging to William or his brothers 'haldin of that heid house of Stank.'¹ It will be noticed that not only had the eldest son a hereditary right to the Head House, but that some rights and privileges seemed to go with it.

There is also documentary proof of the 'Manor Place' of Corrigall, the 'Head House' of Redland, the 'Bow' of Rendall, and the 'Head House' of Knarston being sold by (or in one case having an earlier sale confirmed by) the eldest sons of the eldest branches of the families of Corrigall, Flett, Rendall, and Knarston; and in one case a definite privilege attaching to the head house is stated. In 1683 a disposition of certain lands in Knarston in Harray included the Head House sometime pertaining to Gilbert Knarston of that ilk (afterwards sold by his

¹ R.E.O., No. clxxx.

eldest son), 'with the roith and uppa' of the same.¹ So that the constantly mentioned right of the 'uppa' seems to have been a privilege belonging to the head house—when there was one.

It thus becomes possible to trace the evolution of this kind of Orkney township from a single large farm with a single mansion house into a condition in which two or three sons occupied different houses standing close together, and shared the land for fairness sake on the run rig principle; and finally, as parcels were sold to strangers, and the town got more and more broken up, into a maze of sheads and rigs and balks and freedoms, yet with certain faint reminiscences—such as the head house with its uppa—of its lost unity. And as for the other sort of town, one would be inclined to surmise that they were run rig only in sections in early days, as portioners arose in the various farms; and then as land changed hands and sometimes broke up and sometimes amalgamated, things grew so complicated that the whole town became rendalled together. Those, at least, are the likeliest lines of development that seem to emerge from what survive of these old township records.

J. STORER CLOUSTON.

¹ Smoogro charters.

Lord Guthrie and the Covenanters

IN his note appended to my criticism of his paper (*Scottish Historical Review*, xvi. 307), Lord Guthrie says: 'Dr. Hay Fleming. . . convicts me of an undoubted error, which he himself, however, calls a trifling one, I having given credit to one Covenanter, Sir Thomas Hope, which belongs to another Covenanter, Alexander Henderson.' I did not call that a trifling error; but characterised it, and the one concerning the subscribing of the Solemn League and Covenant by the Scottish Parliament and the General Assembly, as trifling compared with some of his other errors.

Among the more serious of these which I pointed out were the following:

(1) That the subscribers of the National Covenant swore to be 'careful to root out of their empire all hereticks, and enemies to the true worship of God, who shall be convicted by the true Kirk of God of the foresaid crimes.'

(2) That the Covenanters 'bound themselves, under the National Covenant, not only to resist the imposition of Laudian or Anglo-Catholic Episcopacy upon Presbyterian Scotland, but to compel all Roman Catholics in Scotland to become Protestants, and all Episcopalians in Scotland to become Presbyterians.'

(3) That 'the Scottish Covenanters understood that both they and their English coadjutors were pledged [by the Solemn League and Covenant] to force Episcopal England to adopt the Presbyterian system of Church Government as it existed in Scotland.'

In his note Lord Guthrie wisely refrains from attempting to defend any of these three errors. To the first alone he alludes, and in doing so he evades the point at issue, and changes his position as if he had merely said that the Covenanters were 'expressing their own conscientious convictions when they quoted the series of Scots Acts providing that all rulers shall be careful to root out of their empire all heretics and enemies to

the true worship of God, who shall be convicted by the true Kirk of God of the said crimes.' There is an important difference between his previous allegation, that the Covenanters swore to root out heretics, and his present one that they held that their rulers should root them out. So far as I am concerned, his introductory remarks about toleration are altogether irrelevant. I neither said nor suggested that the ideas of the Covenanters on toleration resembled those of the present day.

Other three of his statements to which I drew attention, he does not venture to vindicate :

(1) That the citizens of Aberdeen were compelled to swear that they subscribed the National Covenant 'freely and willingly.'

(2) That because the use of the Lord's Prayer did not commend itself to the English Puritans, it was 'dropped from the worship of the Scottish people.'

(3) That Burns confounded the Solemn League and Covenant with the National Covenant.

He tries, however, to justify his suggestion that sordid motives influenced the Scots in their decision to help the English Parliament against the King ; but here also he changes his ground. Previously he suggested that 'the glitter of English gold' helped to explain 'the action of the Scots Estates and the Scots people.' Now he restricts its influence to 'the Scots Covenanting army,' which he boldly alleges was induced 'to support the English Republican army, in England, against the Scots King.' It may not be amiss to remind his Lordship in passing that the English Parliamentary army was not a Republican army at that time, and did not become so until several years afterwards. Again, he further narrows his indictment : 'In the case of the body of the army I do not place "the glitter of gold" as the determining motive ; in the case of the large number of Scots officers, who flocked back from the continent, where they had been subjected to the demoralizing life of a mercenary soldier, . . . I am afraid mercenary motives must have bulked much larger.' It is not clear whether he believes that these officers flocked back to Scotland after the Solemn League was drafted, or at an earlier emergency and remained. Anyhow they constituted neither 'the Scots Estates' nor 'the Scots people'. If the officers of fortune, who served in Scotland in 1640 and 1641, did not magnify their hardships, they had little temptation either to remain in Scotland or to flock back to it. Some of them had no pay for sixteen months, some eighteen, some twenty ; and not only had they been neces-

sitated to sell or pawn all their belongings and to use their credit to the very uttermost, but they had been driven to an extremity which shame doth rather pass by in silence than proclaim.¹

In his notice of *Papers relating to the Army of the Solemn League and Covenant*, Lord Guthrie said: 'His Majesty's meagre exchequer could not afford the golden bait held out by his rebellious English subjects. Besides, the Scots had ample experience of the small reliance to be placed on His Majesty's most solemn promises, whereas, two years before, as already mentioned, the Scots in the army of the National Covenant had received £200,000 from England.' In more striking and picturesque language he had previously put it: 'The Scots army went home with £200,000 of English gold in their pockets.' This argument was ignored in my criticism; it may be glanced at now. The statement that the Scots army went home in 1641 with £200,000 of English gold in their pockets is a grotesque exaggeration. The English pay was not only irregular, it was usually if not always in arrear, and the Scots suffered much in consequence. In July, 1641, General Leslie wrote: 'Our armie hath sustained hunger and nakednesse with ane invincible patience, in the midst of plentie, that we might not give offence to our common adversaries.'² The balance due to the Scots in June, 1641, was stated at £115,750, and they were informed that they would speedily have paid to them £200,000, whereof £80,000 was to be the first instalment of the brotherly assistance; but out of this sum they were to pay the debts owing to the northern counties.³ The balance fluctuated, and as it increased so would the debts of the Scots army. By the 4th of August it was reduced to £52,300;⁴ and by the 6th that also was paid; and, before the Scots army left England, the £80,000 of the promised brotherly assistance was likewise to be paid, less £38,200 to be deducted as the sum *salvo calculo* due by the Scots to the counties of Durham and Northumberland and the town of Newcastle.⁵ So far from being overburdened with English gold, the Scots found, a month after

¹*Acts of Parliament*, v. 675.

²*Acts of Parliament*, v. 627. In the previous March the Scottish army was 'reduced to great straits' (*Domestic Calendar*, 1640-1641, p. 503.)

³*Journals of the Commons*, ii. 177, 187.

⁴*Journals of the Commons*, ii. 235.

⁵*Acts of Parliament*, v. 641, 642. A few days later the precise amount due by the Scots was put at £38,888 os. 8d. (*Journal of the Commons*, ii. 248, 255), which in Professor Terry's *Alexander Leslie* (p. 152) is misprinted £33,888 os. 8d.

marching out of England, that they had not money enough to pay the common soldiers.¹

Had I merely wished to point out the errors in Lord Guthrie's paper it would have been an easy matter to run up a lengthy list, as for example :

(1) That, in Knox's time, superintendents co-existed with presbyteries. There were no presbyteries in Scotland in Knox's time.

(2) That the National Covenant 'enacts.' The framers of that covenant did not claim that by it any Acts of Parliament could either be enacted or re-enacted.

(3) That Alexander Henderson is not mentioned in the *Papers relating to the Army of the Solemn League and Covenant*. There is at least one reference to him (ii. 395), and it is rather a pathetic one.

Lord Guthrie deems it 'curious' that I treated his paper 'as an attack on the Covenanters, instead of a defence, on different lines, by an admirer.' It did not occur to me that it was intended either as an attack or defence. I charitably supposed that, despite its many faults, it was meant as a deliverance from the bench, not a pleading from the bar.

D. HAY FLEMING.

¹*Acts of Parliament*, v. 673.